

On June 8, 1998, claimant was blown underneath a fertilizer car from a grain elevator explosion. Evidence establishes that sometime after the explosion he began having a ringing in his ears that he had not experienced before. The record also indicates he has

some hearing loss which Dr. Mercedes J. Perales apparently attributes to the explosion. It also establishes that claimant has had psychological problems since this explosion.

The Appeals Board agrees that the evidence supports an award for treatment for claimant's hearing problems. Although there are other potential causes of claimant's hearing problems, the Board concludes that more probably than not the ringing in claimant's ears and possibly other aspects of the other hearing loss are attributable to the explosion. The order for treatment for claimant's hearing is, therefore, affirmed.

The Board does not, however, agree that the evidence supports an award for psychological treatment. In order to establish a claim for a traumatic neurosis, the claimant must establish a physical injury and establish that the neurosis stems from the physical injury. *Followill v. Emerson Electric Co.*, 234 Kan. 791, 674 P.2d 1050 (1984). Claimant suffered some minor cuts and the hearing problems, but the evidence does not, in the Board's view, convincingly establish that the psychological problems are directly traceable to the physical injuries. Absent evidence to the contrary, it seems as probable, if not more probable, that the psychological problems stem from exposure to the explosion and resulting death and injury to his coworkers. Thus, the problems are traceable to the accident but not the injury. The Board therefore concludes that the order for psychological treatment should be reversed.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order entered by Administrative Law Judge Jon L. Frobish on October 7, 1998, should be, and the same is hereby, modified. The order for respondent to provide a list of three ear specialists from which claimant may choose to provide treatment for claimant's ear injuries is affirmed. The order for psychological treatment by Dr. Perales and/or referrals is reversed.

IT IS SO ORDERED.

Dated this ____ day of December 1998.

BOARD MEMBER

c: Michael L. Snider, Wichita, KS
William L. Townsley, III, Wichita, KS
Jon L. Frobish, Administrative Law Judge
Philip S. Harness, Director